

STILL ANOTHER JUROR SECURED

Makes Eight Men to Try Peter Mortensen.

LAST CHOSEN IS A MORMON

BUT HE HAD NO FAITH IN MR. SHARP'S REVELATION.

THE Mortensen jury still lacks four members, and there is little hope that the quartette will be supplied this week. For five solid hours yesterday the attorneys put forth their best efforts, but only one name was appended to the list of "good men and true." The eighth juror is William A. Bills of South Jordan, a farmer, a member of the Mormon church, and, for twenty-three years, bishop of his ward, though he does not hold that office at present.

From the time the examination of Mr. Bills was commenced by Attorney Bernard Stewart, it was evident that the candidate had a fair mind. He once thought he had an opinion of the case, but the stories were so conflicting, but that he became convinced that "the more he learned, the less he knew about it." The juror took no stock in Mr. Sharp's revelation.

Mr. Sharp may have believed he had a revelation, said he, "but I think he is mistaken. I don't believe the Lord is coming down here to tell anybody anything in cases of this kind."

Mr. Bills admitted his belief that in some cases God might reveal the guilt of a person to man. The Bible says he did so. But he viewed the circumstances in this case as altogether different.

Mr. Bills accepted.

Then there was a long-drawn-out examination of the juror as to whether or not he would be influenced by the fact, should the defendant not put in any evidence at all, Mr. Bills said it would depend upon other circumstances, and for a quarter of an hour Mr. Stewart and the juror were in an effort to get on common ground.

"If you got in the jury room and the other eleven jurors were for conviction, and you had a doubt, would you yield?"

"No, I would go through the keyhole by words first."

The state passed the juror readily, and after a consultation between all the Mortensen and the defendant's attorneys, Mr. Bills was accepted.

Mortensen was more cheerful yesterday, although he had an experience in the morning that was anything but conducive to good spirits.

W. H. Stockdale, a young man in the employ of R. K. Thomas, was on the venire and had passed the examination for statutory qualifications. When Judge Morse asked the usual question whether or not the defendant had a reason that would excuse them from service, Stockdale jumped up, and, looking squarely at Mortensen, who sat facing him, as well as the spectators, replied: "Your honor, I cannot do so fairly in the case for I believe that Mortensen is guilty."

Gave Mortensen a Shock.

The defendant's expression did not change a particle, but it was something of a shock to his nerve.

"That is out of place," admonished the court. "Take your seat, Mr. Stockdale."

P. A. Mortensen of Rivendale, an uncle of the defendant, was in court yesterday, and took part in the numerous whispered consultations of the defense.

Another taleman was found who believed in the Sharp revelation. He was Cyrus Neff, a member of an old Mormon family. When asked if he believed Mr. Sharp had the revelation, he promptly replied: "Yes, sir, I do."

James Davidson was the object of the state's third peremptory challenge. Mr. Davidson is a contractor and builder, and has lived here for four years. It looked as though he would stay in his seat, until, through one of Mr. Stewart's questions, it came out in the W. T. Hubbard case, that he remembered him distinctly as a man upon whom he had trodden with his feet during that trial.

"Let me see, you were one of the alibi witnesses, were you not?"

"I don't know what you'd call me."

"It was you, I believe, who knew your exact whereabouts to the very minute, and the whereabouts of Mr. Hubbard, and all so accurately, if I remember correctly, in that case?"

Objections to the line of questioning from the defense were sustained.

Might Have Scalded Eichnor.

"Mr. Davidson, you heard how I spoke of you in my argument, didn't you?"

"Yes, I did," was the rejoinder, "and if my wife had any hair on her head that you would have less hair on your head than you've got now."

Everybody indulged in a hearty laugh, which the balliff had trouble in suppressing, and Mr. Eichnor, without any more questions, dismissed the taleman peremptorily. Alfred S. Decker got away after the following:

"What is your opinion based on as to the defendant's guilt?"

"Newspaper reports and the testimony of James Sharp."

"The last part of his testimony?"

"The revelation."

H. P. Johnson and Robert N. Holt did not believe in capital punishment, and the following were excused: John Hagman, A. L. Williams, Stockdale, C. K. Mariger, W. H. Hayward, William O. Crockett, Alvin S. Derryck, Thomas Aubrey Jr., James H. Jenkins, Orson H. Pettit, George H. Harbath, George H. Snelkild, David E. Parry, William R. Burt, George W. Turpin, R. W. Campbell, Ezra O. Best, A. E. Asper, John W. Wilson, C. J. Mow, Thomas P. Seddon, William S. Johnson, John M. Chambers, Alex. R. Watson, Henry W. Brown. An additional venire of seven names was issued, returnable Friday morning. The venire returnable this morning contains a like number of names.

IN THE SUPREME COURT.

Passes Upon an Important Point Concerning Practice.

The supreme court passed yesterday upon an important point concerning practice, in the case of A. E. Snow vs. D. P. Tappay, appellant. The decision was rendered upon a motion of the respondent to dismiss the appeal, upon the ground that the exceptions taken by the appellant to the instructions of the lower court had not been settled before that tribunal, but had been taken from the notes of an official stenographer and inserted in the transcript after the transcript had been made up by a deputy clerk for filing in the supreme court.

The supreme court held that the exceptions should have been settled by the lower court, and they were accordingly stricken out. The case was then submitted, but it was understood that the striking out of the exceptions will result in an affirmation of the court below.

Judge Bartel did not sit in the case.

DR. PRICE'S BAKING POWDER

For a third of a century American housewives have found Dr. Price's Baking Powder invariably a guarantee of pure, delicious and wholesome food.

Always makes the perfect biscuit, cake and bread.

PRICE BAKING POWDER CO., CHICAGO.

NOTE.—Baking powders made from alum and other harsh, caustic acids are lower in price, but inferior in work and injurious to the stomach.

and the vacancy was filled by District Judge Booth of Provo, who retired as soon as the matter had been disposed of.

Other matters argued during the day were as follows: C. C. Dunham vs. W. E. Travis, appellant; Elsie Peck, Jr. vs. the Oregon Short Line Railway company, appellant.

The case of F. M. Hayden, appellant, vs. H. C. Goodman was dismissed on a stipulation.

Suit For Damages.

Judge Stewart and a jury took up the \$2,000 damage suit yesterday morning of Daniel W. Simpson vs. James Stevenson. It appears from the complaint that on the night of July 28, 1901, while Simpson was leaving Stevenson's saloon by a side door he fell into an open cellarway and broke his ankle and he now wants Stevenson to pay him for the injury. Stevenson pleads that the injury was caused by Simpson's own negligence. Smith & Walton appear for the plaintiff, and Wilson & Smith for the defendant.

The testimony had closed at the hour of adjournment and the jury will be instructed this morning.

Husband Now Under Arrest.

Pierre Peansee, a French sheep herder, and husband of the woman who, with babe in arms, pleaded guilty to the charge of sending obscene letters through the mails, was yesterday arrested by Deputy Marshal Draper.

Fourteen miles east of Colton, and brought to this city, where he is lodged in the county jail. The charge against him is the same as that against his wife.

BAKERS IN A FIGHT.

Question of Union Labor Results in a Fistic Encounter.

An argument as to the relative merits of union and non-union labor was in progress at 10 o'clock yesterday afternoon on Second South street at the entrance to Plum alley.

R. Piper and William Wilkes, one a union and the other a non-union baker, met at the corner and began an argument about the union. An attempt to make a member of Wilkes is said to have led to the argument, which precipitated itself into a fist fight. A crowd of interested spectators was attracted to the scene. An officer arrived, and placing the two men under arrest, took them to headquarters.

The men continued their argument up the street, and when they arrived at the desk sergeants' office, begged and pleaded to be allowed to continue and settle the difficulty. They were willing, they said, to go any place and pay any fine if permitted to settle the argument in their own way. They were later released on bond.

Cures When Doctors Fail.

Mrs. Frank Chasson, Patterson, La., writes June 8th, 1901: "I had malaria fever in very bad form, was under treatment by doctors, but as soon as I stopped taking their medicine the fever returned. I used a small bottle of Herbine, and it helped me. Then I bought two bottles, which completely cured me. I feel grateful to you for furnishing such a splendid medicine, and can honestly recommend it to those suffering from malaria, as it will surely cure them." Herbine, 50c bottle at Z. C. M. I. drug department.

Z. C. M. I. Great May Sale

All this week; choicest bargains of the year in all lines of merchandise.

TO UTAH SCHOOL TEACHERS:

The Burlington route announces a round trip rate of one fare plus \$2 to Omaha, Chicago, St. Joseph, Kansas City, St. Louis and intermediate points for the Utah teachers' annual excursion.

Tickets on sale June 10, 11 and 12. Final return limit, Sept. 8. Thru tourist sleepers, Salt Lake City to Omaha, Chicago, Kansas City and St. Louis.

Thru standard sleeper, daily, Salt Lake City to Omaha and Chicago.

For additional information write or call on R. F. Nease, general agent, Burlington route, No. 79 West Second South street, Salt Lake City, Utah.

Z. C. M. I. Great May Sale

All this week; choicest bargains of the year in all lines of merchandise.

Real Estate Transfers.

Maria Francis to Thomas Kearns, 24 rods by 10 feet northeast from the southwest corner of lot 3, block 2, plat D.....\$7.00

Joseph A. Silver to Frank B. Snyder, 1/2 block, plat E.....700

Edward L. Elder to Hannah A. Gustafson, 10 1/2 rods northeast from the southeast corner of lot 2, block 3, plat B.....5,000

Jane E. Crampton to Rosa E. Palmquist, part of lot 2, block 1, plat A.....1

Rosa E. Palmquist to J. W. Nelson, 38 1/2 rods northeast from 3 rods north, 10 feet east of the south-west corner of lot 2, block 3, plat B.....1,300

Martin S. Lindsay to William R. Pickens, 10 1/2 rods northeast from the southeast corner of lot 2, block 1, plat A.....625

Thomas H. Foster to Charles A. Hodgson, 32 1/2 rods southeast from the northeast corner of lot 6, block 1, plat B.....2,000

Hubbard Investment company to A. B. Ratcliff, lots 16 and 17, block 7, plat D.....300

Ann S. Pusey to Taylor, Romney, Armstrong company, part of lot 3, block 1, plat A.....1

Utah Savings & Trust company to Isaac Shea, lots 4 and 5, block 1, Biggs' first addition to House E.....300

R. B. Harkness to Stephen H. Block, the east half of lot 1, block 2, plat D.....6,000

Anna M. Brown to Charles A. Hodgson, 32 1/2 rods southeast from the northeast corner of lot 6, block 1, plat B.....250

Mary A. Brockbank to Taylor P. Brockbank, part of the southeast quarter of section 4, township 2 south, range 1 east.....1

Harry Bews to Ellen Fitzpatrick, 28 feet by 3 rods northwest from 25 feet north of the southeast corner of lot 1, block 3, plat A.....6,000

Elmira Schoonover to Robert E. Real Estate Investment company, 7 1/2 rods southwest from the northeast corner of lot 4, block 1, plat A.....1

Lillian T. Mow to Jacob Kinighy, lots 16 and 17, block 7, South Lawn.....250

George R. Bennett to Thomas Griffiths, east 1/2 of lot 1 and 2, block 6, City Park.....200

People who can't eat meat can eat and grow fat on Grape-Nuts Fact!

BIG TRAFFIC FOR NEW ROAD

J. H. Meese Tells of Uintah Reservation Possibilities.

LAND OF GREAT RICHNESS

IMMENSE TONNAGE EVEN NOW AWAITS IRON HORSE.

THE greatest opportunity in the west for a railroad will come with the opening of the Uintah reservation, according to J. H. Meese of Vernal, who was in Salt Lake yesterday on business. Whether D. H. Moffat carries out his project for a line between Denver and Salt Lake or not, Mr. Meese says a country will be opened up which will be a prize for the railroad tapping it—an empire so rich that if one railroad does not build in there, another will.

There is probably no man living who knows eastern Utah better than Mr. Meese. He has been engaged in business in that part of the state for years, having been for some time post trader at the White Rocks agency. He is now engaged in business at Vernal. Mr. Meese knows the Indians thoroughly, and he is convinced that they will consent to a treaty ceding the land to the government, to be thrown open.

Will Give Up Land.

"I was talking with an Indian of influence only the other day," he said yesterday, "and he said that they would agree to give up the land. They would put it was that the Indians are controlled—they can't go out and the white men can't come in. Civilization, such as comes from contact with the whites, is barred to them. They can't use all this land, and he says it is better for them to get the money and keep enough for farms and let the white men in. The hunting grounds are all gone, and the land is of little use to them."

What this part of the state needs right now is a railroad. There is plenty of traffic waiting today for a road which would build in there. Around Vernal, for example, in Ashley valley, is some of the finest farming land in existence. You don't find better fruit in the world than is raised in Ashley valley—especially apples. But there is only a small local market. It costs something like \$12 a ton to haul freight from the valley to Price on the railroad, and that shuts off the Ashley valley fruit and other products from a market. If there was a railroad through there, even coming as near as White river, where have been issued to department run, all this fruit, with the grain and other products, would find a ready market.

Minerals on Reservation.

"There is plenty of mineral on the reservation—gold, copper, lead, silver and the hydrocarbons—but the greatest wealth of the reservation lies in its agricultural possibilities. The best of the land lies along the Dolores and Uncompahgre rivers and Lake Fork. There is some of it on Strawberry creek, although most of the Strawberry valley is being irrigated. The rest of the land is of unusual value, because of the richness of the soil, and because of the ease with which it can be irrigated. There is plenty of water, and it has been brought to the land with little difficulty. A large part of the land can be brought under water for about \$1 an acre, while the average in the state is something like \$10.

"When the reservation is opened the center of population of the state will surely gravitate eastward. The possibilities there are immense, and a railroad will be able to build up a big traffic out of purely local business."

Office Boys Passed By.

Santa Fe Will Fill Vacancies From High School Graduates.

(Special to The Herald.)

Chicago, May 14.—The Santa Fe railroad has made a novel departure in its system of recruiting its office forces. Orders have been issued to department chiefs to give preference to high school graduates in filling vacancies, instead of recruiting from the messenger force, as formerly.

It is estimated that not less than one-fourth the executive officers of railroads of the United States started as messenger boys. Among the prominent ones are President Charles M. Hays of the Grand Trunk, formerly president of the Southern Pacific; General Manager Edward Dickinson of the Union Pacific; General Manager R. B. Harkness of the Missouri Pacific and Rio Grande; President E. J. Jeffery of the Rio Grande system and a number of other noted railroad men.

SIBERIAN ROAD NEARLY DONE.

Only a Tunnel Remains to Be Completed.

Seattle, Wash., May 14.—The trans-Siberian railway is completed all but the opening of a tunnel one and one-half miles in length, and will be ready for general traffic the latter part of this year, according to George Janson, who for a number of years has been a construction engineer on the road.

Mr. Janson arrived in Seattle yesterday from Siberia and is on his way to St. Petersburg, his home, which he has not visited for several years.

D. & B. G. TO LET CONTRACT.

Will Build Fifty More Miles of Branch From Delta.

Denver, Colo., May 14.—A contract will be let by the Denver & Rio Grande railway in a few days for fifty additional miles of track on its new line from Delta through the valley of the north fork of the Gunnison to Buena Vista.

This is a decisive step toward the completion of the road, which will shorten the distance to Salt Lake and lessen the time to the coast by at least six hours. Material is being received daily at Delta and the work of construction is advancing rapidly.

Ernest Smith Goes to O. S. L.

Ernest Smith, who is at present in the office of General Agent L. A. Benning, has been named to succeed the place of Fred H. Knickerbocker as secretary to General Superintendent E. E. Calvin of the Oregon Short Line.

Mr. Knickerbocker becomes secretary to General Manager W. H. Bancroft.

Mr. Smith was for several years secretary to Assistant General Passenger Agent George W. Heintz of the Rio Grande system, and was before that in the auditor's and car accountant's offices.

San Pedro to Get Franchise.

(Special to The Herald.)

Los Angeles, May 14.—That Riverside is to have a branch of the San Pedro, Los Angeles & Salt Lake road is now practically a certainty. At the last meeting of the city trustees an ordinance was read granting to the company a franchise for rights of way through the city and for building and

operating a double or single track street railroad for a period of fifty years. The line will pass close by the business center. There is no doubt the ordinance will pass.

Railroad Notes.

L. O. Leonard, general western livestock agent of the Missouri Pacific, has returned to Salt Lake.

Philip P. Hitchcock of Denver, general agent of the passenger department of the Wabash, left for home yesterday.

General Manager Bancroft and General Superintendent Calvin of the Oregon Short Line have gone north on an inspection trip.

Trainmaster George L. Hickey of the Montana Division of the Oregon Short Line left for Pocatello last night with his family to take up his new duties.

A. F. Brewer took hold of the car accountant's office yesterday, although his appointment does not actually take effect until today. Walter S. Anderson was at Mr. Brewer's old desk as chief clerk in the office of General Superintendent Calvin.

MISS RANDBY QUEEN

Elected by Norwegians to Preside at Celebration of Constitutional Day.

Miss Ogot Randby has been elected May queen for the Norwegian festival next Saturday, May 17. Miss Randby, who is a milliner at Walker Bros' store, received 1,546 votes. The other contestants were close behind. Miss Emily Hansen and Miss Ida Westland having exactly the same number of

votes—less than 100 below Miss Randby. Miss Johanna Moen was not far below the others.

Miss Randby will have a throne at the celebration Saturday evening in Christensen's hall in honor of the adoption of the Norwegian constitution May 17, 1814. The arrangements are in charge of committees of prominent natives of Norway. The following programme has been arranged:

Welcome—Chairman M. Christopherson.

Norwegian National Song—Audience.

Crowning of Queen—M. Christopherson.

Solo—Mrs. Emma Jorgensen Saunders.

Address—"Norway's Constitutional Day." Justice C. M. Nielsen.

Solo—Mrs. Emma Jorgensen Saunders.

Address—"Norwegians in America." J. R. Matsen.

Baritone Solo—John Erickson.

Plano Solo—Miss Nettie Olsen.

Song—Quartette.

"America"—Audience.

A Few Pointers.

The recent statistics of the number of deaths show that the large majority die with consumption. This disease may commence with an apparently harmless cough, which can be cured instantly by Kemp's Balsam for the Throat and Lungs, which is guaranteed to cure and relieve all cases.

Price, 25c and 50c. Trial size free. For sale by Godde-Pitts Drug company.

Alleged Burglars Want Time.

James J. Young and William Brown, who are said to be responsible for all the burglaries and hold-ups for the past week, and who made a desperate attempt to liberate themselves from the city jail Monday night, appeared in the city court yesterday morning to answer to the charges of robbery and of assault with a deadly weapon. The men claimed that they were not prepared for trial, and requested more time in which to secure the assistance of an attorney. The case was continued until Friday afternoon at 2 o'clock.

Z. C. M. I. Great May Sale

All this week; choicest bargains of the year in all lines of merchandise.

Royal Zwieback, pure, clean, healthy; good for everybody; 10c per dozen. For sale by The Royal, 322 South Main.

Will Give Entertainment.

A dramatic and musical entertainment will be given in the Sixth ward assembly hall this evening and Friday evening for the benefit of the Presbyterian church of the ward. "The Little Gypsy," a cantata, and "Captain Racket," a comedy, will be the featured pieces.

An Engineer's Fast Run.

An engineer on one of the roads entering here, in speaking last night of his fast run said: "Although my machine is fast, once I let a cold get six hours the start of me and my machinery is no match for it. I have for years kept a bottle of Kemp's Balsam constantly in my cab, and when a cough or cold gets a start of this standard remedy it is indeed a 'cold day.' Price, 25c and 50c. For sale by Godde-Pitts Drug company.

Foley's Honey and Tar is peculiarly adapted for asthma, bronchitis and hoarseness. Johnson-Pratt Drug Co.

Z. C. M. I. Great May Sale

All this week; choicest bargains of the year in all lines of merchandise.

MUNYON'S Rheumatism Cure

No remedy has cured so many of Rheumatism, Gout and Lumbago as my Rheumatism Cure. Try it and you will be glad to get rid of it. It is the best remedy for rheumatism, gout and lumbago. It does not put the disease to sleep, but drives it out of the system. Believes you in from one to three hours, and cures generally. Munyon's Witch Hazel Soap makes the skin soft as velvet. L. Sold everywhere. Beware of cheap imitations. Write to Dr. J. C. Munyon, 100 West 12th St., New York.

Send for Guide to Health Cure Catalog.

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RESTORED BY PE-RU-NA

To Health and Usefulness Were These Two Grateful Women.



Mrs. Augusta Boettcher.

Mrs. Augusta Boettcher, 8042 Emerald avenue, Chicago, Ill., writes:

"From youth I was troubled with leucorrhoea, which grew worse and as a result of hard work, I contracted a stubborn case of inflammation of the womb. I tried several doctors but got no better. Upon the advice of friends I began the use of Peruna. I took nine bottles of this far-famed medicine, Peruna, and after many fruitless endeavors have finally regained my health. I can recommend Peruna to every person."

MRS. AUGUSTA BOETTCHER.

Mrs. John Kahring, Glidden, Wis., writes: